I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Ajeyandria, VA 22313-1450.

April 7, 2006

Signature:

(Raymond Garguilo, Jr.)

Docket No.: SPINE 3.0-437 CIP CIP CIP CIP CIP CON VI

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Errico et al.

Application No.: 10/642,529

Confirmation No.: 3170

Filed: August 15, 2003

Art Unit: 3738

For INTERVERTEBRAL SPACER DEVICE

Examiner: B. E.

HAVING A CIRCUMFERENTIALLY BURIED

Pellegrino

WIRE MESHENDPLATE ATTACHMENT

DEVICE

REPLACEMENT OF TERMINAL DISCLAIMER IMPROPERLY FILED WITH CORRECTED TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant submitted a Terminial Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application on April 6, 2006 in the subject case. The pending Application Number was improperly cited as "10/643,522", the correct cite is "10/642,522". Please substitute the enclosed corrected Terminal Disclaimer for the one previously filed.

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If there are any additional charges in connection with this requested response, the Examiner is authorized to charge Deposit Account No. 12-095 therefor.

Dated: April 7, 2006

Respectfully submitted,

By Raymond Garguilo, Jr.

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Registration No.: 50,930
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Attorney for Applicant

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PTO/SB/25(10-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional) SPINE 3 0.437 CIP CIP CIP CIP CIP CON VI

	SPINE 3.0-437 OF OF OF OF ON W
In re Application of: Joseph P. Errico, Michael W. Dudasik, and Rafail Zub	ok v v v
Application No.: 10/642,529	
Filed: August 15, 2003	
For: INTERVERTEBRAL SPACER DEVICE HAVING A CIRCUMFERENTIALLY BURIED WIRE MESHENDPLATE ATTACHMENT DEVICE	
The owner*, SpineCore, Inc.~ percent interest in the instant application hereby disclaims, except as provided belostatutory term of any patent granted on the instant application, which would extend be the full statutory term defined in 35 U.S.C. 154 to156 and 173 as shortened by any to the grant of any patent granted on pending second Application Number filed on 8/15/2003, of any patent granted on the pending se agrees that any patent so granted on the instant application shall be enforceable only that it and any patent granted on the second application are commonly owned. This patent granted on the instant application and is binding upon the grantee, its successed in making the above disclaimer, the owner does not disclaim the terminal patent instant application that would extend to the expiration date of the full statutory te 154 to 156 and 173 of any patent granted on the second application, as shortened filed prior to the patent grant, in the event that any such granted patent: expires for face, is held unenforceable, is found invalid by a court of competent jurisdiction, is stated or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexaminator is in any manner terminated prior to the expiration of its full statutory term as disclaimer filed prior to its grant.	eyond the expiration date of erminal disclaimer filed prior 10/642,522
Check either box 1 or 2 below, if appropriate.	
1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued the feore	
2. X The undersigned is an attorney or agent of record. Signature Raymond Gargui	4/1/06 Date
Typed or printed name	ιο, στ.
The Commissioner is hereby authorized to charge the disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 12-1095 *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.	
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Dated: April 7, 2006 Signature: (Raymond Gargui	IO, Jr.)